IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2387 OF 2004

IN

SUIT NO.3104 OF 2000

Anil Harichandra Bobdi & ors .. Plaintiff

versus

Janabai Dattaram Bobdi &ors .. Defendants

Defendant ...

Mr.V.S.Kapse for Plff

Mr.S.V.Sadavarte for Defts

CORAM : D.G. KARNIK, J

DATED : 9th February, 2005.

P.C:-

1. Heard learned counsel for the parties. This motion is taken out by the plaintiff for appointment of a receiver of the property take possession of the suit property. The suit is for partition. The plaintiff is unable to show the present right to dispossess the defendants who are the joint owners of

the property. In view of provisions contained in sub-rule 2 of Rule 1 of Order 40 of the Code of Civil Procedure no receiver can be appointed. By an order passed in another motion injunction against dispossession has already been granted and that sufficiently protects the plaintiff. There is no need for appointment of the receiver. Hence motion is made returnable in due course. No ad interim relief.

D.G.KARNIK, J